

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PL2 03061PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2004/001842	International filing date (day/month/year) 13.07.2004	Priority date (day/month/year) 17.07.2003
International Patent Classification (IPC) or national classification and IPC B26D7/08, B26F1/38, C03C17/00		
Applicant SAINT-GOBAIN GLASS FRANCE		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-9 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 1-20 _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* _____ received by this Authority on _____
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/2-2/2 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-18	YES
	Claims	19, 20	NO
Inventive step (IS)	Claims	1-18	YES
	Claims	19, 20	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: US-A-5 733 081;

D2: EP-A-0 999 188.

Document D2, which is considered to be the most relevant prior art, discloses an ultrasonic cutting method, from which the subject matter of claim 1 differs in that the properties and parameters have been selected in such a way that only the body of the functional film is cut while the underlying substrate is left intact.

It follows that the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can therefore be considered to be that of cutting a functional film deposited on a hard substrate without damaging said substrate.

The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an

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inventive step (PCT Article 33(3)), for the following reasons:

In light of the available prior art documents, a person skilled in the art would have no reason to select the properties and parameters in such a way that only the body of the functional film is cut while the underlying substrate is left intact. D2 proposes cutting the film using ultrasounds but the glass panel is also scratched. D1 discloses an ultrasonic cutting device capable of cutting the film only. Said document does not, however, suggest the use of the device with functional films deposited on a hard substrate, but relates to the problem of cutting cardboard.

Claims 2-16 are dependent on claim 1 and, as such, therefore also fulfil the PCT requirements of novelty and inventive step.

Claim 17 is likewise considered to be novel and to involve an inventive step because none of the documents discloses such a method.

No substrate as per claim 18 is known from the available prior art.

Equipment claim 19 merely explains the way in which the equipment is used and, as a result, does not define said device clearly in terms of the technical features of an apparatus.

Moreover, claim 1 is a method claim. It follows that the

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reference to claim 1 serves to specify the way in which the equipment is used but still does not define the equipment in terms of the technical features of an apparatus.

It follows that the restrictions intended by the features in claim 19 are not clear from said claim, contrary to the requirement of PCT Article 6.

What is more, document D1 describes equipment suitable for implementing a cutting method as per claim 1.

It follows that the present application does not fulfil the requirements set forth in PCT Article 33(1) because the subject matter of claim 19 does not comply with the requirement of novelty defined in PCT Article 33(2).